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PATENT
Docket No.: 16222U-015700US
Client Ref. No.: P-00885

TOWNSEND and TOWNSEND and CREW LLP

By: *Lisa Jeanetta*
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Loc Nguyen

Application No.: 10/676,723

Filed: September 30, 2003

For: METHOD AND SYSTEM FOR
MANAGING DYNAMIC TERMS AND
CONDITIONS AND USER
INTERACTION

Customer No.: 66945

Confirmation No.: 2942

Examiner: Retta, Yedega

Art Unit: 3629

PETITION TO WITHDRAW FINALITY
OF REJECTION (37 CFR 1.181)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

Applicants hereby petition from the decision of the Examiner to make the Office Action of February 17, 2010 final, and request withdrawal of the finality of said Action.

On page 2 of the Office Action dated July 9, 2009 claims 1 and 4-7 were rejected under 35 USC §102(b) as being anticipated by Iannacci (US 2002/0062249). This Office Action was made non-final in a decision by the Commissioner for Patents mailed on September 25, 2009.

In an amendment dated November 11, 2009, Applicants amended independent claim 7 to only include the subject matter of claims 1 and 4-6. Applicants explicitly noted in boldface and early in the Remarks section on page 14 that claim 7 was "**re-written into independent form and the amendment thereof does not raise a new issue requiring further**

search and/or consideration". Thus, the added substance of claim 7 was the same as previously examined independent claim 1 and dependent claims 4-6.

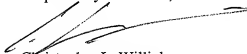
On page 4 of the final Office Action dated February 17, 2010 claim 7, among others, was rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Iannacci in view of Chen (U.S. Pat. No. 6,549,912) ("Chen").

This Office Action was made improperly final, as Applicants did not introduce new subject matter with regards to the amendment of claim 7, and did not have a full and fair chance to address the rejection to this claim based on "Chen". **Put another way, although the same claim was presented (i.e., previously submitted dependent claims 4-7 and independent claim 1) for examination, the Examiner improperly changed the basis of the rejection from anticipation based on "Iannacci" to obviousness based on "Iannacci in view of Chen".** In view of the new citation of prior art, and the improper finality, the USPTO is requested to withdraw the finality of the Office Action and issue a non-final Office Action re-starting the period for response.

Applicants therefore petition that the finality of this rejection be withdrawn, and that it is treated as a non-final rejection, and request a decision be issued to that effect.

This petition being filed not later than two months from the Action, is considered timely. Please charge any fees associated with this petition to Deposit Account No. 20-1430.

Respectfully submitted,



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